

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT DEREK LURCH, JR.,	:
	:
Plaintiff,	:
	:
-against-	:
	:
THE CITY OF NEW YORK, et al.,	:
	:
Defendants.	:
-----X	

23-CV-5249 (JHR) (OTW)

ORDER

ONA T. WANG, United States Magistrate Judge:

The Court has reviewed ECF Nos. 98 and 100.

Plaintiff, who proceeds *pro se*, requests that the Court sanction Defendants for not responding to Plaintiff's interrogatories numbered 17–25. (ECF 98). For the following reasons, Plaintiff's motion is **DENIED**.

It had previously come to the Court's attention that some of Plaintiff's interrogatories, e-filed at ECF 38 and 39-1, may have been incomplete or missing. (ECF 86). In an Order dated June 28, 2024, the Court noted specifically that:

ECF 38 at 1 is labeled by Plaintiff as page 1, and lists questions numbers 1–10. ECF 38 at 2 is labeled by Plaintiff as **page 3**, and lists questions numbers 18–25. It thus appears the second page of Plaintiff's document, which should include interrogatories 11–17, has not been filed on the docket.

(ECF 86 at 1) (**emphasis in original**). (See ECF Nos. 38, 39-1). The Court instructed Plaintiff that he could refile interrogatories 11–17 on the docket by July 18, 2024. (ECF 86). The Court instructed Defendants that their deadline to respond to interrogatories 1–10 and 18–25 remained July 18, 2024, and that their deadline to respond to Plaintiff's additional interrogatories, if any, would be July 31, 2024. (ECF 86).

On July 18, 2024, Plaintiff responded to the Court's Order, but submitted copies of only interrogatories 1–10 and 25–26. (ECF 89). As interrogatory 26 had apparently been partially cut off in prior versions, on July 22, 2024, the Court directed Defendants to respond to both interrogatories 25 and 26 by July 31, 2024. (ECF 91). The Court's July 22 Order reiterated that "Plaintiff's interrogatories as filed (ECF Nos. 38 and 39-1) may have been missing pages." (ECF 91). Plaintiff has not since filed anything on the docket resembling interrogatories numbered 11–17. (*See* Docket).

On August 12, 2024, Plaintiff filed the instant motion for discovery sanctions, alleging that Defendants failed to respond to his interrogatories numbered 17–25. (ECF 98). Defendants responded that they had already: (1) responded to interrogatories 1–10 and 18–25, on July 18, pursuant to the Court's June 28 Order; and (2) responded to interrogatory 26 on July 31, pursuant to the Court's July 22 Order. (ECF 100). As noted above, and as Defendants' letter reports, Plaintiff did not submit, either to Defendants or to the Court, interrogatories numbered 11–17. (*See* ECF 100). (*See generally* Docket).

Defendants have responded to interrogatories 18–25. The Court is unaware of an interrogatory 17 to which Defendants could respond. There is thus no basis for the sanctions Plaintiff seeks.

Accordingly, Plaintiff's motion is **DENIED**.

The Clerk of Court is respectfully directed to close ECF 98.

SO ORDERED.

Dated: New York, New York
March 3, 2025

/s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge